

# Notice of Allowability

Application No.

10/788,773

Examiner

Vaughn T. Coolman

Applicant(s)

TAKEMURA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment and arguments dated 1/16/2006.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### DETAILED ACTION

Pursuant to the applicant's amended claims and after further consideration of the claim language in original claims 5 and 14, examiner withdraws the previous rejection based upon 35 U.S.C. 112 2<sup>nd</sup> Paragraph. Examiner is interpreting the term "via", positively recited in said claims, as defined by Merriam-Webster's 10<sup>th</sup> Edition to mean "by means of". In the case of the claims in question, the examiner is interpreting the elastic member as a structural component of the means by which the front fender and holding member are mounted on the front fender mounting portion, said means including the fastening member also.

### *Allowable Subject Matter*

Claims 1-21 are allowed.

The following is an examiner's statement of reasons for allowance:

None of the references taken individually or collectively teach or anticipate the limitation(s) of "a holding member having a collar portion and an elastic portion wherein the collar portion is coupled to [both] the front fender mounting portion and the front fender" and "a tip portion of the holding member elastic portion [being] extended to a position separate from the fender mounting portion such that **only** the tip portion is disposed **against** a reverse surface of the front fender (emphasis added)" found in each of the independent claims. The closest prior art is that of Harley (U.S. Patent No. 2,510,222) which shows a holding member (19-21) having a collar portion (21) and an elastic portion (20) wherein the collar portion is coupled to the front fender mounting portion (16) formed in the front fork (10, 11) and a tip portion (19) of the holding member elastic portion being extended to a position separate from the fender mounting

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portion such that only the tip portion is disposed against a reverse surface of the front fender (shown in FIG 3). Both Saiki et al (U.S. Patent No. 6,557,876) and Kurayoshi et al (U.S. Patent No. 5,323,869) teach a holding member having a collar portion wherein the collar portion is coupled to both the front fender mounting portion and the front fender, however, the combination of these references with that of Harley would be based upon hindsight. Furthermore, it would not be obvious to one of ordinary skill in the art to extend the Harley fender in a downwards direction and couple it to the holding member *again* at the fender mounting portion when it is already sufficiently supported in the manner disclosed by Harley.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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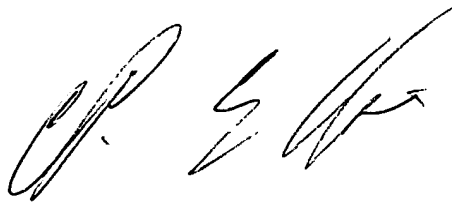
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



03/22/06

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Art Unit 3618

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